THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.8578 of 2004

ORDER:

Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents.

This Writ Petition was filed challenging the order in letter No.CE/O&M/APSPDCL/VJA/Appeals on T.E/F.G.22/96/D.No. 2529/03 dated 06.12.2003 of the second respondent on the ground that it is contrary to Section 49-D(5) of the Indian Electricity (Andhra Pradesh Amendment) Act, 2000.

Learned Counsel for the petitioner submits that after the amendment, the Special Tribunal alone has the jurisdiction to determine the compensation payable by the consumer, but not the second respondent. He relied on a decision of this Court in **Cheedi Rama Rao v. Transmission Corporation of A.P.Ltd..**

This Court, by order dated 30.04.2004, granted interim suspension, which has been in operation till today.

By virtue of the amendment of the Indian Electricity Act, the case has to be decided by the Special Tribunal and hence without going into the merits of the case, the impugned order is set aside, and the respondents are directed to transfer the case of the petitioner to the Special Tribunal having jurisdiction, within a period of four weeks from the date of receipt of a copy of this order, and the payment of any amounts by the petitioner would abide by the result of the order of the Special Tribunal.

The Writ Petition is, accordingly, allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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(A.RAMALINGESWARA RAO, J)

12.11.2014
vs